

ORIGINAL

**CITY OF SHORELINE
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION OR RECOMMENDATION

APPELLANT: Paramount Park Neighborhood Group, Inc.
Represented by Smith & Lowney, P.L.L.C.

FILE NUMBER: 1997-01594

APPEALS: Paramount Park Neighborhood Group, inc., is appealing the recommendation of the Shoreline Planning Commission to approve the Paramount Ridge Subdivision Preliminary Plat and the Mitigated Determination of Non Significance, June 29, 1998, with respect to that project.

REVIEW PROCESS: The Hearing Examiner conducts a closed record appeal on the subdivision and makes a recommendation to the Shoreline City Council. The Hearing Examiner conducts the hearing on the SEPA appeal and makes the decision. Both appeals are discussed in this report.

I. BACKGROUND:

A. Location and Neighborhood: The subject property is located at 15440 and 15450 10th Avenue Northeast. This property is located in the Paramount Park Neighborhood adjacent to the Paramount Playfield and Paramount Park and Open Space. The area surrounding the proposed subdivision is predominantly single family residential in character with no multiple family or commercial development in the immediate vicinity. Tenth Avenue NE dead ends just south of the property.

B. The Proposal: The applicant, Creative Construction Inc., is proposing to formally subdivide (Long Plat) two adjacent properties into a total of nine (9) residential building lots. The property is 1.595 acres (69,488 square feet) in size and is zoned R-6 residential. The average size of the proposed lots, excluding the access and tract and turnaround, would be 6,653 square feet. The lots range in size from 5,007 square feet to 9,400 square feet. The two existing houses on lots 1 and 2 facing 10th Avenue Northeast would remain and lots 3 through 9 would be served by a private road with a turnaround accessed from 10th Avenue Northeast.

C. Comprehensive Plan Designation: The 1994 King County Comprehensive Plan designation for the subject property is medium density urban residential development (UM

designation, 4 - 12 residential units per acre). The project as proposed is slightly less than 6 residential units per acre.

D. Zoning Designation: The subject property is zoned R-6 - (Residential, six dwelling units per acre) which applies to approximately 85% of the City of Shoreline.

E. Procedural History: The application for these properties has been processed in the following sequence:

- | | |
|--|--------------------|
| - Application first submitted to Development Services | August 15, 1997 |
| - Completion of preliminary staff review with request for additional information | November 1997 |
| - Submission of additional information | March/June 1998 |
| - Determination of Complete Application | June 17, 1998 |
| - SEPA Review Completed - Issued MDNS | June 29, 1998 |
| - Preliminary Public Notice to Neighbors | July 1, 1998 |
| - Publication in The Seattle Times & Shoreline Enterprise | July 2, 1998 |
| - Staff Report Issued | July 21, 1998 |
| - Open public hearing before Planning Commission | July 30, 1998 |
| - Planning Commission Recommendation to City Clerk | August 31, 1998 |
| - Notice to Parties of Record with September 22 deadline | September 4, 1998 |
| - Appeal filed by Paramount Park Neighborhood Group | September 22, 1998 |
| - Appeal Hearing Scheduled / Delayed due to lack of Record | November 18, 1998 |
| - Rescheduled Appeal Hearing before Hearing Examiner | December 9, 1998 |

F. Issues of the Appeal: The issues are separated into those dealing with the recommended approval of the Preliminary Subdivision and those dealing with the SEPA Mitigated Determination of Non-Significance.

1. Recommended Approval of the Preliminary Subdivision: The applicant argues that the Planning Commission erred in matters of law and that their conclusions are not adequately support by the record in the follow:

a. Recommended approval does not contain "appropriate provisions" for drainage ways as required by RCW 58.17.110 because the preliminary approval is recommended before the analysis of downstream drainage capacity which affects primarily lots 5 and 6 is done.

b. The Preliminary Plat is invalid because it violates the zoning code's provision requiring a building setback in sensitive areas (SMC 18.24) - specifically the Erosion Hazard Area.

c. The Preliminary Plat is invalid because it does not sufficiently protect soils and vegetation in the Erosion Hazard Area.

d. The City failed to identify the public interest of the proposed subdivision required by RCW 58.17.110 and the developer has not demonstrated public interest as required by KCC 19.08.050.

2. Mitigated Determination of Non Significance (MDNS): The applicant argues that the MDNS on Paramount Ridge Subdivision was inadequate and contrary to SEPA in the following ways:

- a. The determination that the project will not have a significant impact on the environment is not adequately supported by the record primarily in the areas of drainage and potential flooding.
- b. The City failed to sufficiently analyze impacts to the environment including, but not limited to increased flooding and erosion.
- c. The City failed to consider likely direct, indirect and cumulative impacts on erosion and surface water management.
- d. The City acted contrary to its own codes related to environmental protection.
- e. Neighborhood character will be adversely affected by the project. and
- f. The city rightly rejected infiltration pits because of their adverse environmental impacts on tree removal, buffers and increasing danger of flood, landslide and erosion.

II. PUBLIC HEARING:

On December 9th, 1998, the Hearing Examiner held public hearings on the appeals. They were opened at 7:05 p.m. in the Mount Rainier Room of the Shoreline Conference Center and were closed at 9:30 p.m.

At the beginning of the public hearing, the Hearing Examiner indicated that he had visited the site and the surrounding neighborhood. He stated that he had reviewed the record, including listening the tapes of the Planning Commission hearing, as well as reviewed submitted staff report and briefs of the appellant and applicant. Each witness was asked to affirm that the information they would provide was true.

It was noted that a video of drainage problems in Paramount Park had been submitted to the Planning Commission but was now viewed by them as part of their deliberations. The Hearing Examiner ruled that it would not be considered as part of the record. Objection by the appellant to not including the video was noted by the Hearing Examiner. It was also noted that the burden of proof was on the appellant.

Testimony was first taken on the closed record appeal of the recommendation of the Planning Commission to approve the Preliminary Subdivision and then on the appeal of the SEPA determination. Testimony was offered at the closed record appeal hearing by the City of Shoreline, the appellant and the applicant. Testimony offered at the appeal of the SEPA determination was offered by the City of Shoreline, the appellant, the applicant and citizens. Objection by the applicant to allowing testimony by citizens on the SEPA Appeal was noted by the Hearing Examiner.

Those who testified are as follows:

City of Shoreline (both hearings):

Anna Kolousek, Manager, Development Services
James Holland, Project Planner, Development Services
Daniel Bretzke, Project Engineer, Development Services
Robert Noe, Attorney

Appellant (both hearings):

Rick Poulin, Attorney, Smith & Lowney, Paramount Park Neighborhood Group
Janet Way, President, Paramount Park Neighborhood Group

Applicant: (both hearings)

Sam Jacobs, Attorney, Loucks and Lamb
Gary Cooper, Lynscot A. Corporation

Citizens at SEPA Appeal Hearing:

Ginger Botham
Jacque Ankara
Cecilie Hudson
Richard Tinsley
Peter Schwindt

Testimony of the City summarized the proposal, and the City's analysis on the key issues of the appeal contained in the Staff Report (Exhibit G).

The appellant summarized the issues identified in the submitted brief, emphasizing that the preliminary subdivision has been approved without downstream analysis, that the process would not allow future public involvement when the information was available and that adequate provision had not been made to protect sensitive areas through the requirements of erosion control, vegetation management and restoration plans.

The applicant indicated that they supported the recommendation of the City; however, they could understand neighborhood concerns due to the existing drainage and flooding problems in the area. He noted that the proposal with the conditions meets the City's regulations and that the issues identified by the appellant will be completed prior to final approval. He noted that the staff report has extensive discussion of the public interest, particularly in assuring compliance with the requirements of the Growth Management Act.

In response to the appellant's testimony the City testified as follows:

- Daniel Bretzke reviewed the issue of downstream drainage and the City's review process. He also noted that the infiltration system was rejected because it required the removal of more trees.

- James Holland discussed that the City's regulations anticipate erosion hazard areas will be developed, therefore the 15 foot setback is not applicable. He reviewed the other provisions

of the Sensitive Areas chapter. He also discussed the requirements for a vegetation management plan and that the Site Development Permit combines erosion control and vegetation management.

- Anna Kolousek reviewed the requirement for a plan of the trees to be retained and the required construction mitigation to assure their retention.

The appellant rebutted staff testimony noting that he felt the Shoreline Code is clear in requiring a restoration plan. He also expressed concern about the ability of the City to enforce tree retention based on other experience in the neighborhood where trees were removed

In response the City noted that there is no penalty but that they required replacement to cover the same drip line area prior to removal. Robert Noe noted the enforcement provisions available to the City. He also noted that this was a Preliminary Plat which was the basis for general layout and that all conditions would have to be met prior to approval of the Final Plat.

The appellant indicated that this assumed a trust that the City could perform adequate monitoring which had not been demonstrated on other projects in this area.

The closed record appeal portion of the hearing was closed and the portion of the hearing on the SEPA appeal was opened.

James Holland for the City referenced their testimony on the Preliminary Subdivision.

Rick Poulin for the appellant summarized the elements of this portion of their appeal emphasizing that the City erred in issuing a Mitigated Declaration of Non Significance because they relied on deferred analysis of downstream impacts which precluded public input; that they failed to consider cumulative impacts; ignored the surface water issues and potential for erosion and slides; inadequately evaluated the impact on the character of the neighborhood.

Sam Jacobs for the applicant summarized that this proposal is only adding 7 houses. He noted that the burden of proof is on the appellant and that little evidence has been provided such as soils reports refuting information used by the City or documentation that the development will decrease property values. He noted that the environmental review was adequate and consistent with requirements of SEPA. He recognized that although the appellant would like it to mitigate "all" potential impacts, that that was not a requirement of the process.

Janet Way presented a map to illustrate that the downstream drainage is not, in fact, a drainage system.

Jacque Ankara expressed concern that the rate of flow was only one part; the other aspect is the additional amount of water which will be flowing over a longer period of time because of increased impervious surface and less vegetation.

Peter Schwindt indicated that he felt the City had a responsibility for conducting adequate analysis to make the environmental determination.

Ginger Botham questioned how the applicant could size on-site retention for a 25 year storm rather than a 100 year storm based on the sensitivity to flooding of this area. Daniel Bretzke responded that this meets City regulations and the 100 year provision applies downstream.

Richard Tinsley noted that the removal of vegetation and replacement with impermeable surfaces will have a significant impact.

Cecilie Hudson noted that the code as it stands is not adequate and that the downstream flooding is a horrible mess.

Rick Poulin noted that it is true that the burden of proof is on them as appellant; however, it is also appropriate to indicate where the decisions are not supported by substantial evidence in the record. Sam Jacobs indicated that he felt the decisions were supported by the record.

III. ANALYSIS OF ISSUES and PRELIMINARY CONCLUSIONS:

The following summarizes the key points and the preliminary conclusions of the Hearing Examiner by each of the items contained in Section I, F. The numbers on each Issue relate to that section

Recommended Approval Of Preliminary Subdivision

The following discussion relates directly to the issues identified in the previous section. It should be noted that the staff report is identified as Findings of Fact; however, the required findings identified in RCW 58.17.110 have not been made, although all the provisions are analyzed in the staff report and are covered by the recommended conditions.

Preliminary Conclusion: Specific findings consistent with RCW.17.58.110 should be incorporated and adopted.

F.1.a. The appellant indicates that the Planning Commission erred by not having the downstream drainage capacity analysis prior to preliminary approval it does not make "adequate provision" for drainage ways and violates the public participation elements of RCW 58.17. The staff report, adopted by reference by the Planning Commission, discusses in detail the drainage system and the MDNS places a condition on proposed Lots 5 and 6 relative to complete the downstream capacity analysis prior to final plat approval.

Preliminary Conclusions: A review of RCW 58.17, the staff report and the public hearing tapes indicates to the Hearing Examiner that adequate provision has been made for drainage; that conditioning the approval of preliminary plat is appropriate; and that the City has complied with the required public participation elements.

F.1.b. The appellant indicates that the preliminary plat is invalid because it violates the zoning code requirement for a 15 foot setback in Sensitive Areas, specifically Erosion Hazard Areas (18.24.220). Although Erosion hazard areas are included in the Chapter (18.24) on Environmentally Sensitive Areas, it is obvious from the discussion of development standards that it is allowed to clear the lots and to build on them with certain conditions for vegetation retention and erosion control plans. The conditions require that vegetation not be removed until a building permit is approved on individual lots and noted in 18.24.220.C.1 . In Section 18.24.180 where the SMC discusses the use of Sensitive Area Tracts, the referenced sensitive areas are: landslide hazard areas and buffers, steep slope hazard areas and buffers, wetlands and buffers and streams and buffers. Erosion Hazard Areas are not included.

Preliminary Conclusion: The proposed preliminary plat is not invalid because of no requirement for a 15 foot setback since the applicable development standards allow clearing and development within erosion hazard areas. Further conditions applicable to the approval provide adequate protection of the public, public resources and facilities.

F.1.c. The appellant argues that the preliminary plat is invalid because it does not sufficiently protect soils and vegetation in the erosion hazard area. It notes that the applied condition appears to allow removal of vegetation with a Site Development Permit which is prior to the issuance of a building permit for individual lots. It also notes that maintenance and monitoring measures, vegetation management plan and a restoration plan are not required.

Preliminary Conclusions: The appellants argument that reference to these requirements is valid and should be made more explicit in the conditions.

F.1.d. The appellant argues that the City failed to inquire into the public interest citing the issue of variances from the fire code. A review of the project file indicates that the conditions applied in the recommended approval are consistent with the review by the Fire Department.

Preliminary Conclusion: The City has made adequate provision to protect the public interest.

Appeal of Mitigated Determination of Non-Significance

F.2.a The appellant argues that the City's determination that the proposed subdivision will not have a probable significant adverse impact on the environment is not supported by the record. Significant public testimony was received related to the existing flooding which currently occurs downstream of this project impacting homes on private property and Paramount Park and Open Space. Runoff from this project will be detained on-site and released at per-development rates per adopted stormwater standards. As a condition of the approval an analysis of downstream capacity must be made to accommodate the runoff flows to be generated by lots 5 and 6.

Preliminary Conclusions: Testimony clearly indicates that there is already a significant flooding problem downstream of this site; however, little evidence was provided that the proposed project will have a probable significant adverse impact that was not mitigated by the

proposed on-site drainage system, requirements to retain existing vegetation and the condition for downstream capacity analysis.

F.2.b The appellant argues that in issuing the MDNS the City failed to sufficiently analyze impacts to the environment including, but not limited to increased flooding and erosion. A key contention relates to the timing of the analysis of the potential downstream impacts. The appellant notes that the City has “assumed” there is adequate capacity; however the condition specifically states that the analysis “shall determine whether sufficient capacity exists to safely accommodate the runoff flows generated by lots 5 and 6 of the proposal . . .” An example of potential storm runoff was provided in the appellant’s brief; however no qualifications were provided for the person preparing the illustrated situation to assess its validity.

Preliminary Conclusion: The City has applied the requirements for on-site retention and a condition to evaluate the downstream capacity prior to final subdivision approval.

F.2.c The appellant argues that the City failed to consider likely direct, indirect and cumulative impacts of the proposal and other permitted and planned developments. In testimony, Daniel Bretske indicated that they had taken into account information from other projects which have given them good information on the downstream issues. He noted potential downstream routes that had been considered. Anna Kolousek, Manager, Development Services, discussed that the cumulative impacts had been considered in their determination.

Preliminary Conclusion: Based on analysis in the staff report and staff testimony, the potential direct, indirect and cumulative impacts have been adequately considered.

F.2.d The appellant argues that by issuing a MDNS the City acted contrary to its own codes related to environmental protect. Specific references are made to off-site discharge of stormwater noting the requirement that it be limited to pre-development volume and adequate downstream capacity. Although the developer does not have easements to conform to these requirements, they must be in hand prior to final approval. All of these requirements will be evaluated prior to final plat approval. There are also broad statements of lack of consideration of other environmental factors with little confirming information provided.

Preliminary Conclusion: Based on a review of the environmental documentation and mitigation and the staff report, it appears that the City has acted in a manner consistent with its codes related to environmental protection.

F.2.e. The applicant argues that neighborhood character will be adversely affected by the project. In that discussion there are comments about the need to identify environmental policies on which the mitigation measures are based and the impacts to be mitigated. A review of the Environmental Checklist shows that the staff “identified potential significant adverse environmental impacts associated with . . . vegetation, land use, and stormwater.” Review notations indicated specific provisions of the code which were applicable. The MDNS mitigation measures directly addresses these areas.

Preliminary Conclusion: In visiting the site and driving through the neighborhood it was noted that the four lots immediately to the north are served by a private lane accessing from

10th Ave. NE serving 4 lots; and to the east there is another private lane serving 4 lots and a cul de sac serving 7 lots. It does not appear that the lots are "significantly" larger as represented in the brief but that they fall within the size ranges contained in this proposed preliminary plat. .

F.2.f. The appellant notes that the City rightfully rejected the proposed infiltration pits because of their environmental impact by requiring removal of trees and buffer areas.

Preliminary Conclusion: This appears to not be an appeal issue, but does indicate that the City considered the proposal in enough detail to understand the potential impacts on flooding, landslides and erosion.

IV. FINDINGS:

1. The key issues of these appeals as identified by the appellant are:
 - a. Whether errors of law require the Hearing Examiner to deny the preliminary subdivision.
 - b. Whether the Planning Commission's findings and recommendations are supported by the record.
 - c. Whether errors of law require the Hearing Examiner to reverse the SEPA MDNS?
 - d. Whether the SEPA MDNS is supported by the record.
2. The rules of procedure adopted by the City of Shoreline for appeals to the City Council and Hearing Examiner place the burden on the appellant for establishing that the decision is not supported by the preponderance of the evidence.
3. The subdivision of these two properties into a total of 9 lots is consistent with the provisions of the City of Shoreline Comprehensive Plan and Zoning Code.
4. The City conducted an environmental analysis of the proposal and concluded that it would not have a probable significant adverse impact on the environment. On June 29, 1998 they issued a Mitigated Declaration of Non-Significance which contained seven conditions related to: Earth; Stormwater; and Plants/Land Use/Aesthetics.
5. The Planning Commission held an open record public hearing on the Preliminary Subdivision on July 30, 1998. After extensive public testimony the Planning Commission recommended approval of the Preliminary Plat based on the Staff Report (dated, July 21, 1998) which was identified as Findings of Fact and which contained nine conditions in addition to the mitigation measures attached to the MDNS.
6. The appellant, Paramount Park Neighborhood Group, filed a timely appeal on September 22, 1998.

7. The Planning Commission in adopting the Staff Report considered the provisions required in RCW 58.17.110; however, it erred in not making specific written findings.

8. The lot size, configuration and method of access is consistent with existing development surrounding the proposed development.

V. CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to conduct a closed record appeal of the Planning Commission's recommendation on the Paramount Ridge Preliminary Subdivision and to make a recommendation to City Council for a decision.

2. The Hearing Examiner has jurisdiction to consider and to decide the issues presented related to the SEPA appeal.

3. On the issues of the appeals, the appellant has the burden of establishing that the recommendation and SEPA determination are not supported by the preponderance of the evidence. The issues related to the appeals focused primarily on four issues:

- Not having the downstream drainage capacity analysis prior to preliminary approval of the subdivision or issuing a MDNS;
- Allowing development within a Erosion Hazard Area without setbacks and without specific provisions for erosion control plans and vegetation management and restoration plans;
- Adverse impact on the character of the neighborhood; and,
- Timing of analysis required in conditions which precludes public review and input.

4. The proposed subdivision is consistent with the neighborhood in lot size and configuration and no evidence was presented that it will have an adverse impact on property values.

5. The information and reports submitted with the application, review notations on the Environmental Checklist and the mitigations applied to the MDNS indicate that the record adequately identifies and address environmental issues associated with the project.

6. The Planning Commission and City staff did not make errors of law which require the Hearing Examiner to deny the preliminary subdivision or reverse the SEPA MDNS to require an EIS.

8. The Staff Report adopted by the Planning Commission provided all the documentation and analysis for Findings of Fact; however, specific findings consistent with RCW 17.58.110 should be made by the City Council and certain conditions should be clarified or added if the recommendation is adopted.

VI. RECOMMENDATION AND DECISION:

A. Recommendation On Preliminary Plat Approval For Paramount Ridge

Based on the previous Findings of Fact and Conclusions it is recommended that the City Council approve the Preliminary Plat for Paramount Ridge based on the Conditions recommended by the Planning Commission and the mitigation measures contained in the MDNS. In addition, it is recommended that the City Council;

1. Supplement the record with the written findings consistent with the provisions of RCW 58.17.110; and,
2. Adopt supplementary language to recommended conditions or add new conditions to respond to certain issues identified in the appeals.

The proposed additional findings of fact are as follows:

1. The preliminary subdivision is consistent with the City of Shoreline Comprehensive Plan and Zoning Regulations and as such is in the public interest as it implements the Growth Management policies of the State of Washington and King County.
2. The public use and interest will be served by the platting of this subdivision by allowing infill housing consistent with the neighborhood which utilizes existing infrastructure such as parks, open space, schools, water, sewers and roads in the vicinity.
3. Appropriate provisions have been made for the public health, safety and general welfare through application of City regulations, mitigation measures required through the State Environmental Policy Act, and conditions attached to the preliminary plat approval.
4. In recognition of existing problems of drainage and flooding downstream of this proposed subdivision, in addition to application of on-site storm drainage improvements, conditions have been applied to analyze the adequacy of the downstream drainage capacity prior to final subdivision approval.

The proposed additional conditions are as follows:

1. Add the following to Condition 1 of the preliminary approval: "The Site Development Permit will include an erosion control plan, vegetation management plan and vegetation restoration plan. Vegetation on individual lots shall not be removed until a building permit is approved.
2. Add a new condition 10: "As part of the analysis of the downstream stormwater management system required as a mitigation measure (Stormwater 2.A) in addition to capacity, the analysis should evaluate impacts of the increased total amount of water which will be discharged due to increased impervious surface and reduced vegetation. Recommendations for an ongoing monitoring program, if appropriate, shall be made."

3. Add a new condition 11. "If the results of the downstream stormwater management system (Stormwater 2.A) shows that there is not adequate capacity, or if the public easement for drainage facilities cannot be obtained and the preliminary subdivision is redesigned such that the number of lots is reduced or substantially configured or the on-site drainage system is modified or the extent of vegetation to be retained is reduced, the preliminary approval shall be remanded to the Planning Commission for further consideration at a public hearing and recommendation to the City Council.

4. Add a new condition 12: "In addition to the mitigation measures included in the MDNS (Earth 1A) made in the soils analysis of the subject property prepared by Geotech Consultants, Inc., and dated June 16, 1998, add the recommendation that a representative of Geotech Consultants, Inc. observe the footing excavations during construction to verify that suitable soil is exposed. Further, they should provide a written report with their findings and recommendations to the City of Shoreline."

5. Add a new condition 13: "As a supplement to the mitigation measures contained in item 3. Plants/Land Use/Aesthetics, items A, B and C, all vegetation will be retained in the required 20 foot buffer areas not just trees over 12 inches in diameter but also trees under 12 inches in diameter, understory and ground cover. Adequate setbacks for clearing and grading and construction of buildings will be provided to assure that vegetation in the entire 20 buffer is protected."

B. Appeal Of SEPA Mitigated Determination Of Non-Significance

Based on the foregoing findings of facts and conclusions, the appeal of the SEPA Mitigated Determination of Non-Significance is denied.

EXHIBITS:

See attached list of Exhibits.

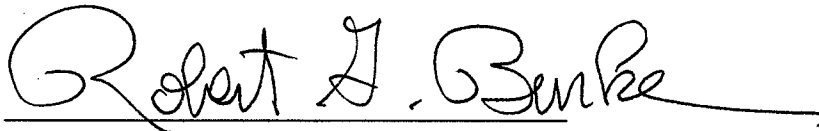
PARTIES OF RECORD:

Jacque Ankara
14849 12th Ave. NE
Shoreline, WA 98155

Peter Schwindt
2209 NE 177th
Shoreline, WA 98155

See Attached List entitled "Parties of Record List from James Holland"

Entered this 23rd Day of December, 1998. The decision of the Hearing Examiner on the SEPA Appeal shall be the final decision on any appeal.

A handwritten signature in black ink, reading "Robert G. Burke". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert G. Burke, Hearing Examiner

APPEAL:

An appeal of the Hearing Examiner's decision is governed by RCW 43.21C.075, the appeal section of SEPA statutes. Under this provision an appeal of the environmental determination must be combined with an appeal of the underlying governmental action.

EXHIBIT LIST

Paramount Ridge Subdivision

(Project No. 1997-01594)

**SHORELINE HEARING EXAMINER
CLOSED RECORD PUBLIC HEARING
December 9, 1998**

- Exhibit A Appeal of Paramount Ridge Subdivision
Submitted by Janet Way for the Paramount Park
Neighborhood Group, Inc.
Dated September 22, 1998
Filed with City Clerk September 22, 1998**
- Exhibit B Letter from Knoll Lowney, Appellant's attorney
Dated November 6, 1998
Fax received by Deputy City Clerk on November 6, 1998**
- Exhibit C Electronic Mail from Tim Stewart, Director of Planning &
Development Services, City of Shoreline
Dated November 6, 1998
E-Mail received by Deputy City Clerk on November 6, 1998**
- Exhibit D Electronic Mail from James Holland, Planning &
Development Services, City of Shoreline
Dated November 9, 1998
E-Mail received by Deputy City Clerk on November 9, 1998**
- Exhibit E Letter from James Holland, Planning & Development
Services, City of Shoreline
Dated November 9, 1998
Received by Deputy City Clerk on November 9, 1998**
- Exhibit F Planning and Development Services Department Record for
the Paramount Ridge Preliminary Long Subdivision
Submitted to Sharon Mattioli, City Clerk on November 9,
1998**

- Exhibit G Staff Report to the Hearing Examiner**
Submitted by James Holland, Development Services,
City of Shoreline
Not dated – Received in City Clerk's Office on December 2, 1998
- Exhibit H Applicant's Response to Notice of Appeal from Samuel**
Jacobs, Applicant's Attorney
Dated December 2, 1998
Faxed to City Clerk on December 2, 1998
- Exhibit I Appeal Brief from Knoll Lowney, Appellant's Attorney**
Not dated – Faxed to City Clerk on December 2, 1998
- Exhibit J Photograph (aerial) of site**
Submitted by Janet Way, Appellant, at the hearing on
December 9, 1998

Gary Cooper
Lynscot A. Corporation
20351 Greenwood Avenue N.
Shoreline, WA 98133

Olof Krammer
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Shoreline, WA 98155

Anne Sakai
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Hope Crippen
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Shoreline, WA 98155

Jon and Joan Desrosier
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Chris and Shanna Harris
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Shoreline, WA 98155

Steve and Sandra Elliot
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Ed and Audrey Waddell
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Shoreline, WA 98155

Matthew Howland
Creative Construction Assoc., Inc.
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Lake Forest Park, WA 98155

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Shoreline, WA 98155

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Don and Gerri Martin
1105 NE 152nd Street
Shoreline, WA 98155

Marylou Evans
15225 11th Ave NE
Shoreline, WA 98155

Vicki Westberg
1231 NE 148th Street
Shoreline, WA 98155

Property Owner
857 NE 151st Street
Shoreline, WA 98155

Kathi and Roberto Swain
1115 NE 153rd Place
Shoreline, WA 98155

Meredith Hunnibell
1111 NE 152nd St.
Shoreline, WA 98155

Resident
1117 NE 152nd Street
Shoreline, WA 98155

Toby Gorsline
15026 12th Ave NE
Shoreline, WA 98155

David A. Kalman
15233 11th Ave. NE
Shoreline, WA 98155

Resident
1121 NE 153rd Place
Shoreline, WA 98155

Shane and Lois Hall
1120 NE 152nd Street
Shoreline, WA 98155

Ginger Botham
16334 Linden Avenue N.
Shoreline, WA 98133

Olive Stewart
1039 NE 154th St.
Shoreline, WA 98155

Autumn Sakai
1163 NE 153rd Place
Shoreline, WA 98155

Cecilie Hudson
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Seattle, WA 98104

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Shoreline, WA 98155

Peter Schwindt
2209 N.E. 177th Street
Shoreline, WA 98155

Samuel Jacobs
Loucks and Lamb
425 Pike Street, #402
Seattle, WA 98101

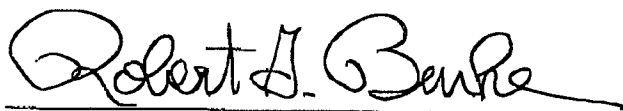
CITY OF SHORELINE
HEARING EXAMINERRECEIVED
JAN 11 1999CLARIFICATION OF SECTION VI: RECOMMENDATION AND DECISION City Clerks Ofc.

APPELLANT: Paramount Park Neighborhood Group, Inc.
FILE NUMBER: 1997-01594
APPEAL: Recommendation of Shoreline Planning Commission to approve
Paramount Ridge Subdivision Preliminary Plat.

The following is in response to a letter from Creative Construction, dated December 31, 1998, requesting clarification of three items on the Paramount Ridge Subdivision.

1. On page 11 of the Hearing Examiner Report it is recommended that the record be supplemented with written findings consistent with the provisions of RCW 58.17.110. Four proposed additional findings of fact were included. The letter from the applicant raises the issue that conclusions should also be included. The Hearing Examiner felt that the Conclusions of the Planning Commission adequately addressed the issues but that they failed to have specific written findings as stated in RCW 58.17.110.
2. On page 12, Condition #3 it should be noted that in line four the terms "substantially configured" should be "substantially reconfigured". The intent of this condition is not to remand the subdivision for "minor adjustments" due to meeting final engineering and planning standards. It is felt that the language as written with the correction on reconfigured is consistent with that intent.
3. On Page 12, Condition #5 the intent is that significant trees as well as trees under 12 inches in diameter, understory and ground cover would all be retained. The following sentence should be added to this condition to respond to the need to place utilities through the buffer area: "Where it is necessary that public drainage and utilities cross the buffer area, they shall be located in such a manner as to minimize their impact on the buffer, particularly significant trees, and disturbed areas shall be replanted according the City standards."

Clarification and additions made this 11th Day of January, 1999 to the report issued December 23, 1998.



Robert G. Burke, Hearing Examiner

EXHIBIT: Letter, Lynscot, A Corporation, Gary S. Cooper, President, December 31, 1998

January 13, 1999

Note to file:

Notification of the Hearing Examiner's "Clarification of Section VI: Recommendation and Decision" dated January 11, 1999 to:

APPLICANT

Gary Cooper (Faxed and Mailed)

Samuel Jacobs. Attorney, Louchs and Lamb (Faxed and Mailed)

APPELLANT

Janet Way (Mailed and left copy for her to pick up if she wanted it right away)

Knoll Lowney, Attorney, Smith and Lowney (Faxed and Mailed)

Rich Poulin, Attorney, Smith and Lowney (Faxed and Mailed)

(The morning of 1/13/99, Samuel Jacobs notified Ruth Ann Rose that he received a letter which was addressed to Rich Poulin at the Louchs & Lamb law firm (Mr. Poulin's letter should have gone to Smith and Lowney). Ruth Ann Rose called Richard Poulin on 1/13/99 to confirm that he had already received the fax sent on 1/11/99 and then verified that Knoll Lowney, practicing at the same firm, had shared with Mr. Poulin the notification in the letter received by Mr. Lowney.)

STAFF

James Holland

Anna Kolousek

Tim Stewart